IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.54329 of 2007
SARFRAZ ALAM @ MD. SARFRAZ ALAM
Versus
STATE OF BIHAR
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3 09.05.2008 The petitioner apprehends his arrest in Phenhara P.S. Case No. 29 of 2005 under Sections 406, 409 and 120(B) of the Indian Penal Code.

Heard.

The petitioner is the Nazir of Phenhara Block. The FIR was lodged against the petitioner and accused Radhey Shayam Prasad, the BDO of the Block as well as three other persons with the allegation that they committed the offence of misappropriation of allotment of Indira Awas inasmuch as names of those persons who were not fit for allotment of Indra Awas, were recommended and a portion of money was not paid to them.

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Learned counsel for the petitioner submits that works were done in official course and proper accounts were maintained. It is also submitted that co-accused Radhey Shayam Prasad, the BDO has already been allowed bail by this court vide order dated 18.6.2007 under Criminal Miscellaneous No. 26432 of 2007 (Annexure 2).

In the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks Sarfraz Alam @ Md. Sarfraz Alam is admitted to anticipatory bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate Sikrahana at Motihari, District-East Champaran in connection with Phenhara P.S. Case No. 29 of 2005 subject to condition as laid down under Section 438(2) of the Cr.P.C.

Kundan **(C.M. Prasad, J.)**